

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

In re:

MERCY HOSPITAL, IOWA CITY, IOWA, *et al.*,

Debtors.

Chapter 11

Case No. 23-00623 (TJC)

Jointly Administered

Re: Dkt. Nos. 1050 & 1114

**NOTICE OF REMOVAL AND REPLACEMENT OF LIQUIDATION TRUSTEE
UNDER THE TRUST AGREEMENT AND PLAN**

The undersigned hereby notify the Court and all parties-in-interest in the above-captioned cases of the removal of William H. Henrich of Getzler Henrich & Associates, LLC as Liquidation Trustee (“Prior Liquidation Trustee”) and the appointment of Dan R. Childers, Esq. of Shuttleworth & Ingersoll P.L.C. as successor Liquidation Trustee (the “Successor Liquidation Trustee”), in each case pursuant to the Trust Agreement and the Plan (as each term is defined below), and respectfully state as follows:

1. On May 14, 2024, the above-captioned debtors (collectively, the “Debtors”) filed the *First Amended Combined Disclosure Statement and Joint Chapter 11 Plan of Liquidation* [Dkt. No. 1050] (the “Plan”).¹

2. On June 7, 2024, the Court confirmed the Plan and entered the *Findings of Fact, Conclusions of Law, and Order Confirming Debtors’ Joint Chapter 11 Plan of Liquidation* [Dkt. No. 1114] (the “Confirmation Order”).

3. The Plan became effective on June 24, 2024 (the “Effective Date”). Dkt. No. 1139.

4. On June 18, 2024, the *Liquidation Trust Agreement* (the “Trust Agreement”) was executed by and between the Debtors, the Prior Liquidation Trustee, and Steindler Orthopedic

¹ Capitalized terms used but not defined herein shall have the meaning ascribed to such terms as set forth in the Plan.

Clinic, PLC, Preston Hollow Community Capital, Inc., and Paula Roby, as members of the Trust Oversight Committee (collectively, the “Trust Oversight Committee”).

5. Pursuant to Section 2.4 of the Trust Agreement, the Liquidation Trustee may be removed upon unanimous consent of the members of the Trust Oversight Committee. Section 2.4 of the Trust Agreement also provides that in the event the Liquidation Trustee position becomes vacant, the vacancy shall be filled as determined by the Trust Oversight Committee.

6. By letter dated August 9, 2024, a copy of which is attached hereto as Appendix A, the members of the Trust Oversight Committee removed the Prior Liquidation Trustee and appointed the Successor Liquidation Trustee, Dan R. Childers, Esq. of Shuttleworth & Ingersoll P.L.C., as successor Liquidation Trustee under the Trust Agreement and the Plan.

7. The Successor Liquidation Trustee accepted the appointment as Liquidation Trustee, agreed to be bound by the Trust Agreement, and agreed to execute such other and further documents and instruments as are necessary to further memorialize and effectuate his appointment as Liquidation Trustee.

8. All notices, requests, demands, consents, and other communications required under the Trust Agreement or Plan may be sent to the Successor Liquidation Trustee at the following address:

Shuttleworth & Ingersoll P.L.C.
Attn: Dan R. Childers, Esq.
235 6th St SE
Cedar Rapids, Iowa 52401
drc@ShuttleworthLaw.com

9. The removal of the Prior Liquidation Trustee and appointment of the Successor Liquidation Trustee became immediately effective on August 9, 2024, and the Successor

Liquidation Trustee is now vested with all rights, powers, duties, and obligations of the Liquidation Trustee under the Trust Agreement.

Dated August 9, 2024

WHITFIELD & EDDY, P.L.C.

/s/ Peter J. Chalik

Peter J. Chalik (Iowa Bar No. AT0013036)
699 Walnut St., Suite 2000
Des Moines, Iowa 50309
Telephone: (515) 288-6041
Email: Chalik@whitfieldlaw.com

-and-

**MINTZ, LEVIN, COHN, FERRIS
GLOVSKY AND POPEO, P.C.**

William W. Kannel (admitted *pro hac vice*)
One Financial Center
Boston, Massachusetts 02111
Telephone: (617) 542-6000
Email: WKannel@mintz.com

Nathan F. Coco (admitted *pro hac vice*)
Megan Preusker (admitted *pro hac vice*)
Kaitlin R. Walsh (admitted *pro hac vice*)
919 Third Avenue
New York, New York 10022
Telephone: (212) 935-3000
Email: NFCoco@mintz.com
MPreusker@mintz.com
KRWalsh@mintz.com

*On behalf of Preston Hollow Community
Capital, Inc., in its capacity as member of the
Trust Oversight Committee*

SHUTTLEWORTH & INGERSOLL P.L.C.

/s/ Dan R. Childers

Dan R. Childers (Iowa Bar No. AT0001422)
235 6th St SE
Cedar Rapids, Iowa 52401
Telephone: (319) 365-9461
Email: drc@ShuttleworthLaw.com

*As Successor Liquidation Trustee under the
Trust Agreement*

DAY RETTIG MARTIN, P.C.

/s/ Paula L. Roby

Paula L. Roby (Iowa Bar No. AT0006749)
150 1st Avenue NE Suite 415
Cedar Rapids, Iowa 52406
Telephone: (319) 365-0437
Email: paula@drpjlaw.com

As a member of the Trust Oversight Committee

Appendix A

August 9, 2024

Via Email

Mr. William H. Henrich
Getzler Henrich & Associates, LLC
295 Madison Avenue, 20th Floor
New York, NY 10017
Email: whenrich@getzlerhenrich.com

Re: *In re Mercy Hospital, Iowa City, Iowa, et al.*, Case No. 23-00623 (TJC)
Liquidation Trust Agreement and Administration

Dear Bill,

We are writing in our capacities as members of the Trust Oversight Committee under the Liquidation Trust Agreement dated June 18, 2024 (the “Trust Agreement”) established under the above-referenced jointly administered bankruptcy cases. Capitalized terms used and not otherwise defined herein shall have the meanings assigned to them in the Trust Agreement.

Pursuant to Section 2.4 of the Trust Agreement, the Liquidation Trustee may be removed upon unanimous consent of the members of the Trust Oversight Committee. Also pursuant to Section 2.4 of the Trust Agreement, in the event the Liquidation Trustee position becomes vacant, the vacancy shall be filled as determined by the Trust Oversight Committee.

The undersigned, being all of the members of the Trust Oversight Committee, hereby remove William H. Henrich of Getzler Henrich & Associates, LLC as Liquidation Trustee under the Trust Agreement and hereby appoint Dan R. Childers, Esq. of Shuttleworth & Ingersoll P.L.C. as successor Liquidation Trustee under the Trust Agreement. By his signature hereto, Mr. Childers hereby accepts such appointment as Liquidation Trustee, agrees to be bound by the Trust Agreement, and agrees to execute such other and further documents and instruments as are necessary to further memorialize and effectuate his appointment as Liquidation Trustee. Such removal and appointment shall be immediately effective.

Pursuant to Section 2.4 of the Trust Agreement, upon his appointment, and without any further act, Mr. Childers, as successor Liquidation Trustee, is hereby fully vested with all the rights, powers, duties, and obligations of the Liquidation Trustee.

We anticipate that the predecessor Liquidation Trustee and its professionals will cooperate fully with this transition and appreciate your assistance in doing so.

Sincerely,

/s/ Patrick Magallanes
Patrick Magallanes of Steindler Orthopedic Clinic, PLC
in his capacity as a member of the Trust Oversight Committee

/s/ John Dinan
John Dinan of Preston Hollow Community Capital, Inc.
in its capacity as a member of the Trust Oversight Committee

/s/ Paula Roby
Paula Roby, Esq., in her capacity as a member of the
Trust Oversight Committee

/s/ Dan R. Childers, Esq.
Dan R. Childers, Esq. of Shuttleworth & Ingersoll P.L.C., indicating acceptance of his
appointment as Liquidation Trustee under the Trust Agreement